

REMARKS

Claims 1-37 and 45-58 remain in the above-identified application with Claims 1, 18, 45 and 53 being independent claims. Applicant respectfully thanks the Examiner for the allowance of Claims 45-52. However, reconsideration of Claims 1-37 and 53-58 is respectfully requested.

Claim Rejections under 103(a)

Claims 1-7, 15-24, 32-37, and 53-58 were rejected under 35 U.S.C. 103(a) as being unpatentable over Maguire in view of Ogaki et al. The Examiner has indicated that Maguire discloses a track joint assembly adapted to connect a track chain together, the track chain having first and second structures 12, 14. The track joint assembly comprising a track pin 20 extending between the first and second structures 12, 14 and an insert 36 surrounding a portion of the track pin 20. The insert 36 includes at least one crown shaped surface thereon (namely the upper surface of the load ring 46) that is located at a substantially central location along the outer surface of the insert 36. The Examiner further stated that the first and second structures 12,14 include an inner surface 34 to facilitate sliding rotation with the crown shaped surface of the insert 36. Furthermore, the Examiner stated that although Maguire does not specify the dimensional ratios of the insert, it would have been obvious to one of ordinary skill in the art at the time of the invention to have ratios suitable for the insert to operate properly and prevent undue stress on the insert (and to prevent premature failure). The Examiner further stated that Maguire does not show the insert being of a free-floating type. However, Ogaki et al teaches the use of a free-floating seal insert 14 that is positioned between the first and second structures of a track link and includes a curvilinear outer surface. In combination with Maguire, the Examiner stated the two references teach or suggest Applicants invention.

The Ogaki et al reference states in Column 3, lines 57-60 that “each track roller 13a is provided with a pair of floating seals 14 for preventing entries of earth and sand into sliding contact parts.” The Ogaki et al reference makes it clear that the seals 14 are free to float to the extent that they prevent entry of earth and sand into sliding contact parts. It is not uncommon for seal inserts of this type to include axial movement, and thus, the use of the

term "floating". However, the seal insert in Ogaki et al could not move in a "free-floating" manner, as defined in Applicant's disclosure, in that the sealing aspects of the seal insert would be destroyed. As found in Applicant's disclosure, Page 9, Paragraph 29, "Because the inserts 20 are able to free float 360 degrees around the respective pin 18,68, sliding rotation occurs between the outer surface 52 of the insert 20 and the respective track bushing 16,62, the side surface 56 of the insert 20 and the respective wall 42,72, the inner surface 50 of the insert 20 and the respective pin 18,68 and the side surface 54 of the insert 20 and the thrust ring 19. Additionally, the surface hardness of the insert 20 prevent adherence between adjacent structures due to different surface layer material characteristics being created so that adequate floating of the insert 20 is ensured. Therefore, the load forces on the insert 20 are continuously directly at different locations around the periphery of the insert as it floats to distribute loading and avoid concentrated wear patterns." and by common definition (as highlighted in the previous response by Applicant), the term "free-floating" includes movement in almost any direction. Applicant desires to have movement at different locations around the periphery of the insert (augmented by the curvilinear shape thereof) in order to distribute loading and reduce wear patterns on the surrounding contact parts. Sealing of the track joint in Applicant's invention is done at a separate location from the insert as noted on Page 4, Paragraph 14, Line 13 (shown by an X in the drawings). Because Applicant's insert is not acting as a seal, there is not a concern of leakage or preventing earth and sand from entering around sliding contact parts. Therefore, the free-floating aspect of Applicant's invention does not destroy its intended function of promoting distribution of loading and reduction of localized wearing. Conversely, Applicant respectfully submit that the seal insert of Ogaki et al is NOT "free-floating", and, if it were free-floating, its intended function as a seal would be destroyed due to the fact that movement at different locations around the periphery would allow earth and sand to enter around the seal and onto sliding contact parts. Applicants thereby respectfully submit that the combination of Maguire with Ogaki et al is not proper and should be withdrawn.

Given that Claims 1, 18 and 53 specifically recite that the insert is "free floating", which Applicants believe is not taught or suggested by the prior art references, and, that the reading of Ogaki et al to include a "free-floating" seal would destroy the intended

function of the seal therein, Applicant respectfully requests that the rejection of Claims 1, 18 and 53 under 35 U.S.C. 103(a) should be withdrawn. Additionally, Applicant respectfully submits that Claims 1, 18, and 53 are in condition for allowance and that allowance be given.

In regards to Claims 2-17, 19-37, and 54-58, these claims are dependent, either directly or indirectly, on Claims 1, 18, or 53 and include additional limitations therein. Given that Claims 1, 18 and 53 are allowable, as argued above, Claims 2-17, 19-37, and 54-58 should also be allowable. Therefore, Applicant respectfully submits that the rejection of Claims 2-17, 19-37, and 54-58 under 35 U.S.C. 103(a) should be withdrawn and that such claims are also in condition for allowance and that allowance be given.

Conclusion

The prior art of record has been reviewed and is believed to be inapplicable and not pertinent to the invention as claimed by the Applicant.

It is respectfully urged that the subject application is in condition for allowance and allowed of the claims in the application is respectfully requested.

Respectfully submitted,



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